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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,544	12/28/1999	VIJAY K. BHAGAVATH	1999-0515	1102

7590 11/03/2004
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EXAMINER

JAIN, RAJ K

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/473,544	BHAGAVATH ET AL.	
	Examiner	Art Unit	
	Raj Jain	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nurenberg et al. (US006181697B1) hereafter Nurenberg in view of McMullan Jr (US Pat. 5251324).

Regarding claim 1 Nurenberg discloses method of providing summary information about recipients of multicast sessions (**see abstract and Fig 1**), comprising the steps of ;

enhancing the operation of an edge device to transmit messages to number of recipient hosts of an IP multicast session (**see col 4 lines 10-17, 6 lines 15-40, the MUG (multicast-unicast gateway) transmits the messages which contain a "list" of multicast addresses receiving the messages**);

storing the address list in a measurement device and supplementing the address list with information supplied from a directory source (**see Fig 2, 204, the sessions database stores the list of multicast sessions and any additional information is passed to the database via listener process 203, see also col 5 lines 1-15**);

and

supplying the information to a supplier of the multicast session permitting an immediate evaluation and response (see col 1 lines 52-67, the MUS receives and makes appropriate session decisions for the requesting clients for each media type).

Nurenberg fails to disclose counting of number of recipient hosts (for messages/data) and generating their demographic profiles.

McMullan discloses counting of number of recipient hosts (for messages/data) and their demographic profiles (see abstract, col 15 lines 32-45, the number of recipient hosts is evaluated based on the data return (polling) of all end users to the “base” or transmitting station (group 1) irregardless of their event status). McMullan further provides demographic profiles of end users (see Fig 2, col 9 lines 1-14, col 23 lines 65 – col 24 lines 17).

Polling and demographics analysis provides the transmitter of data/programming to tailor the content of information based on end user preferences and therefore improve the hosts use of the received data.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the demographics and polling techniques as taught by McMullan within Nurenberg so as to improve the end users use of the received data based on personal preferences and inturn increase the revenue of the sender.

Regarding claim 2, Nurenberg discloses enhancing the operation of an edge device, traversing a MUG type edge device using a unicast link between the edge device and the recipient hosts (see Fig 1, Unicast Routers 112, 113, which provides a unicast link between the

edge device and MUG), again counting is disclosed within McMullan, and reasons for combination are same as in claim 1.

Regarding claim 3, Nurenberg discloses, use of IP addressing of recipient hosts of the multicast session connected to the edge device (see Fig 1, col 3 lines 27 – col 4 lines 17).

Regarding claims 4, 8-10 Nurenberg discloses, reporting IGMP membership and leave group reports from a host recipient to an edge device (see col 6 lines 27-40).

Regarding claim 5, Nurenberg discloses aggregating information collected to insure privacy of individual host recipients (see col 1 lines 25-50).

Regarding claim 6, Nurenberg discloses IGMP reporting and query (membership information) one of which may include billing (see col 6 lines 27-40).

Regarding claim 7 Nurenberg discloses creating a directory-listing members of groups of multicast host recipients (see col 1 lines 52-65, col 5 line 12 - col 6 lines 60 and Figs 4a and 4b).

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

RJ
October 20, 2004

A handwritten signature in black ink, appearing to be 'W. Chin', with a long horizontal line extending to the right.